

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of )  
Grain Belt Express Clean Line LLC for a )  
Certificate of Convenience and Necessity )  
Authorizing It to Construct, Own, Operate, )  
Control, Manage, and Maintain a High )  
Voltage, Direct Current Transmission Line )  
and an Associated Converter Station )  
Providing an Interconnection on the )  
Maywood - Montgomery 345 kV transmission )  
Line. )

Case No. EA-2016-0358

**SHOW ME CONCERNED LANDOWNERS' MOTION TO STRIKE  
TESTIMONIES OF LANGLEY AND GOGGIN**

COMES NOW the Eastern Missouri Landowners Alliance d/b/a Show Me Concerned Landowners ("Show Me"), by and through its counsel and respectfully moves that the Missouri Public Service Commission ("Commission") strike the Infinity Wind Power and Wind on the Wires testimonies of Matt Langley and Michael Goggin filed on January 24, 2017, and in support thereof, states the following:

1. On August 30, 2016, Grain Belt Express Clean Line ("Grain Belt") filed its Application for a Certificate of Convenience and Necessity ("Application"). Contemporaneously with its Application, Grain Belt filed the supporting testimony of fifteen different witnesses.

2. On September 28, 2016, the Commission held a procedural conference for the purpose of, at least in part, developing a procedural schedule for the case. Thereafter, the Commission issued an *Order Setting Procedural Schedule and other Procedural Requirements* ("Procedural Order"). In its *Procedural Order*, the Commission set January 24, 2017, as the date to file rebuttal testimony and February 21, 2017, as the date to file surrebuttal testimony.

3. On January 24, 2017, Infinity Wind Power and Wind on the Wires and the Wind Coalition filed, respectively, what purported to be the rebuttal testimonies of Matt Langley and Michael Goggin.

4. The Commission rules of practice and procedure, 4 CSR 240-2.130(7), provide in part:

(7) For the purpose of filing prepared testimony, direct, rebuttal, and surrebuttal testimony are defined as follows:

(A) Direct testimony shall include all testimony and exhibits asserting and explaining that party's entire case-in-chief;

\* \* \* \* \*

(C) Where only the moving party files direct testimony, rebuttal testimony shall include all testimony which explains why a party rejects, disagrees or proposes an alternative to the moving party's direct case;

The rule requires that direct testimony contain all of the party's case-in-chief, and it requires rebuttal testimony include only testimony that constitutes a rejection, disagreement, or proposed alternative to the direct case. Stated another way, an applicant must make its case in its direct testimony. It cannot, by itself or by a surrogate, supplement its case in chief by rebuttal testimony.

5. The testimonies of Messrs. Langley and Goggin duplicate and supplement the direct testimony of Grain Belt Express. They do not in any way propose a rejection, disagreement or alternative to Grain Belt Express' direct testimony. Therefore, the testimonies of Messrs. Langley and Goggin are not rebuttal testimony and should have been filed as direct testimony. As such, they should be stricken as rebuttal testimony.

6. Many of the arguments stated in Show Me's motion to strike the MJMEUC testimonies apply with equal force to the testimonies of Langley and Goggin. Show Me incorporates those arguments by reference and will not repeat them here.

7. Grain Belt Express was responsible for filing all of its case in chief as direct testimony. The mutuality of interests of the wind generators and Grain Belt Express is obvious, not only in the mutual benefit to be derived from the Application, but also in the mutuality of position in this testimony and in Case No. EA-2014-0207. These parties were more than capable of coordinating their efforts in Grain Belt Express' initial direct filing. The delay in the filing of the testimonies of Langley and Goggin compromises the interests of the landowner parties in this case by interjecting new evidence—much of which is speculation—late in the case and denies the landowners an adequate opportunity to refute it.

WHEREFORE, Show Me respectfully requests that the Commission strike the testimonies of Matt Langley and Michael Goggin.

Respectfully submitted,

By: /s/ David C. Linton

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Application to Intervene was sent to all parties of record in File No. EA-2016-0358 via electronic transmission this 30th day of January, 2017.

/s/ David C. Linton